




# City of NORFOLK

To the Honorable Council  
City of Norfolk, Virginia

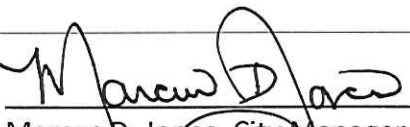
January 14, 2014

From: George M. Homewood, AICP, CFM, Acting  
Planning Director

**Subject:** Special Exception to  
operate an Establishment for the  
Sale of Alcoholic Beverages for Off-  
Premises Consumption at 1819  
East Little Creek Road, Suit 1851 –  
Big Lots

Reviewed:   
Ronald H. Williams, Jr., Assistant City  
Manager

**Ward/Superward:** 5/6

Approved:   
Marcus D. Jones, City Manager

**Item Number:** R-6

- I. **Recommendation:** Approval, considering compliance with *Zoning Ordinance* requirements and consistency with approved plans.
- II. **Applicant:** Big Lots by Rebecca Slayman  
1819 East Little Creek Road, Suite 1851
- III. **Description**  
This request is to allow an existing retail goods establishment, Big Lots, to sell beer and wine for off-premises consumption. The sale of single servings of beer would not be allowed.
- IV. **Analysis**  
**Plan Analysis**
  - The proposed Special Exception is consistent with *plaNorfolk2030*, which designates this site as Commercial.**Zoning Analysis**
  - The site is zoned C-3 (Retail Center), which permits the sale of alcohol for off-premises consumption by Special Exception.

	Proposed
Hours of Operation and Hours for the Sale of Alcoholic Beverages	6:00 a.m. until 12:00 a.m. midnight. Seven days a week

Traffic Analysis

- No additional trips are forecast from the addition of Off-Premises ABC sales to this existing commercial/retail establishment.

**V. Financial Impact**

- The property owner is current on all taxes.

**VI. Environmental**

- The site is located in an existing shopping center and surrounded by a mix of commercial uses.
- The proposed use should not have an adverse impact on the surrounding uses.

**VII. Community Outreach/Notification**

- Legal notice was posted on the property on November 12.
- Letter was sent to the Larrymore Lawns Civic League on November 26.
- Letters were mailed to all property owners within 300 feet of the property on December 5.
- Notice was sent to the civic leagues by the Department of Communications on December 5.
- Legal notification was placed in *The Virginian-Pilot* on December 5 and 12.
- The Planning Commission Public Hearing was held on December 19, 2013.
- Public notification was conducted through the City of Norfolk's agenda notification process.

**VIII. Board/Commission Action**

By a vote of **6 to 1**, the Planning Commission recommended that the request for a Special Exception be **approved**, subject to the conditions outlined in the attached ordinance.

**IX. Coordination/Outreach**

This report has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

**Supporting Material from the Department of Planning and Community Development:**

- Proponents and Opponents
- Ordinance
- Location Map
- Zoning Map
- 1000' Radii Map of Establishments with Special Exceptions for ABC Off-Premise
- Application
- Letter to the Larrymore Lawns Civic League

**Proponents and Opponents**

**Proponents**

Michael Fenton  
1819 East Little Creek Road  
Norfolk, Virginia 23518


**Opponents**

None

Form and Correctness Approved: 

Contents Approved: *AJ*

By   
Office of the City Attorney

By   
DEPT.

NORFOLK, VIRGINIA

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## ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO BIG LOTS STORES, INC. AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION ON PROPERTY LOCATED AT 1819 EAST LITTLE CREEK ROAD, SUITE 1851

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Big Lots Stores, Inc. authorizing the sale of beer and wine for off-premises consumption on property located at 1819 East Little Creek Road, Suite 1851. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 500 feet, more or less, along the southern line of East Little Creek road, beginning 238 feet, more or less, from the western line of Wildwood Drive and extending westwardly; premises numbered 1819 East Little Creek Road, Suite 1851 and located within the Wedgewood Plaza Shopping Center.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours for the sale of alcoholic beverages for off-premises consumption shall be from 6:00 a.m. until 12:00 midnight, seven days per week.
- (b) This special exception shall terminate in the event of a change in ownership of the facility and may be revoked in the event of a change in the operation of the facility as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the facility shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.



- (c) No alcoholic beverages other than those defined by state law as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than six (6) bottles or cans and no wine shall be sold in containers less than 375 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," and labeled, "Off-Premise Sale of Alcoholic Beverage" attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all

times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

- (j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and

services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:  
Exhibit A (2 pages)





**EXHIBIT "A"**  
**Description of Operations**  
**Off-Premises Sale of Alcoholic Beverage**

Date of Application: 10/29/2013

Name of business: Big Lots Stores, Inc. dba Big Lots #397

Address of business: 1851 East Little Creek Road, Norfolk, VA 23518

Name(s) of business owner(s)\*: Big Lots Stores, Inc., a wholly owned subsidiary of Big Lots, Inc.

Name(s) of property owner(s)\*: Statecourt Enterprises, Inc. (Jonathan P. Rosen, president)

Name(s) of business manager(s)/operator(s): Michael Fenton, District Manager \*

Daytime telephone number (804) 332-2045

\*A list of the officers of Big Lots Stores, Inc. is also attached

\*If business or property owner is partnership, all partners must be listed.

\*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation: \*

Facility

Weekday From 9 am To 9 pm

Friday From 9 am To 9 pm

Saturday From 9 am To 9 pm

Sunday From 10 am To 7 pm

Alcoholic Beverage Sales

Weekday From 9 am To 9 pm

Friday From 9 am To 9 pm

Saturday From 9 am To 9 pm

Sunday From 10 am To 7 pm

2. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☐ Mixed Beverage

3. Alcoholic beverages to be sold:

☒ Room temperature ☒ Refrigerated

Currently the store has no refrigeration capabilities, however we are currently looking to add coolers to our stores, primarily for the purpose of selling dairy and meats. There is a possibility we may sell refrigerated beer.

\*The above listed hours are the general store hours. However, from Thanksgiving through Christmas, the store may have "holiday" hours and may be open from 6 a.m. to midnight. We would also like to sell beer and wine during these hours.

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)



Exhibit A – Page 2  
ABC-Off

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:


BIG LOTS STORES, INC.

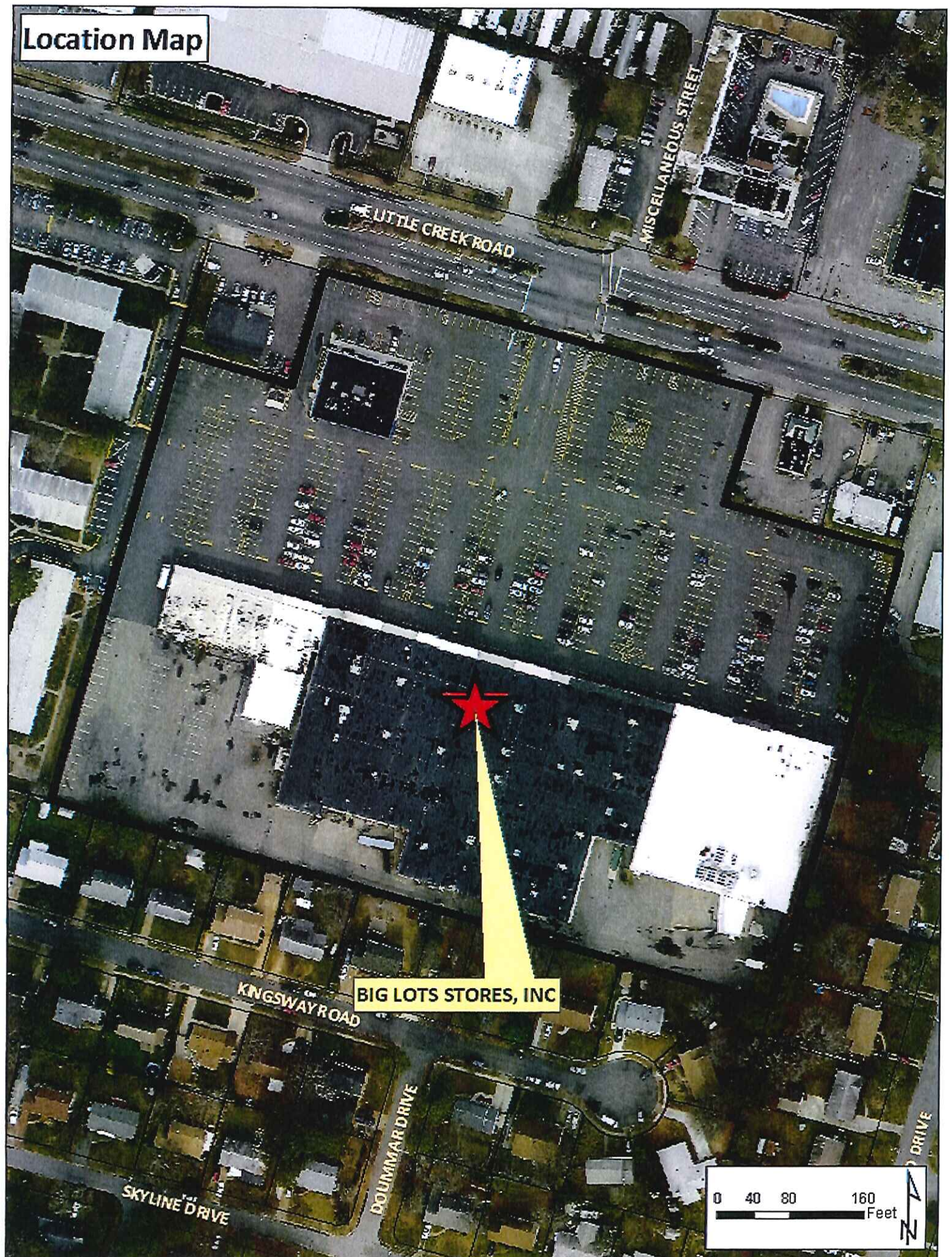
Chadwick P. Regan

Signature of applicant/owner

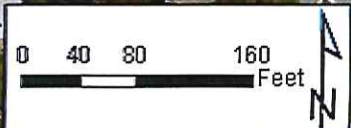
VP, Dep. G.C. & Asst. Corp. Secretary



# Location Map

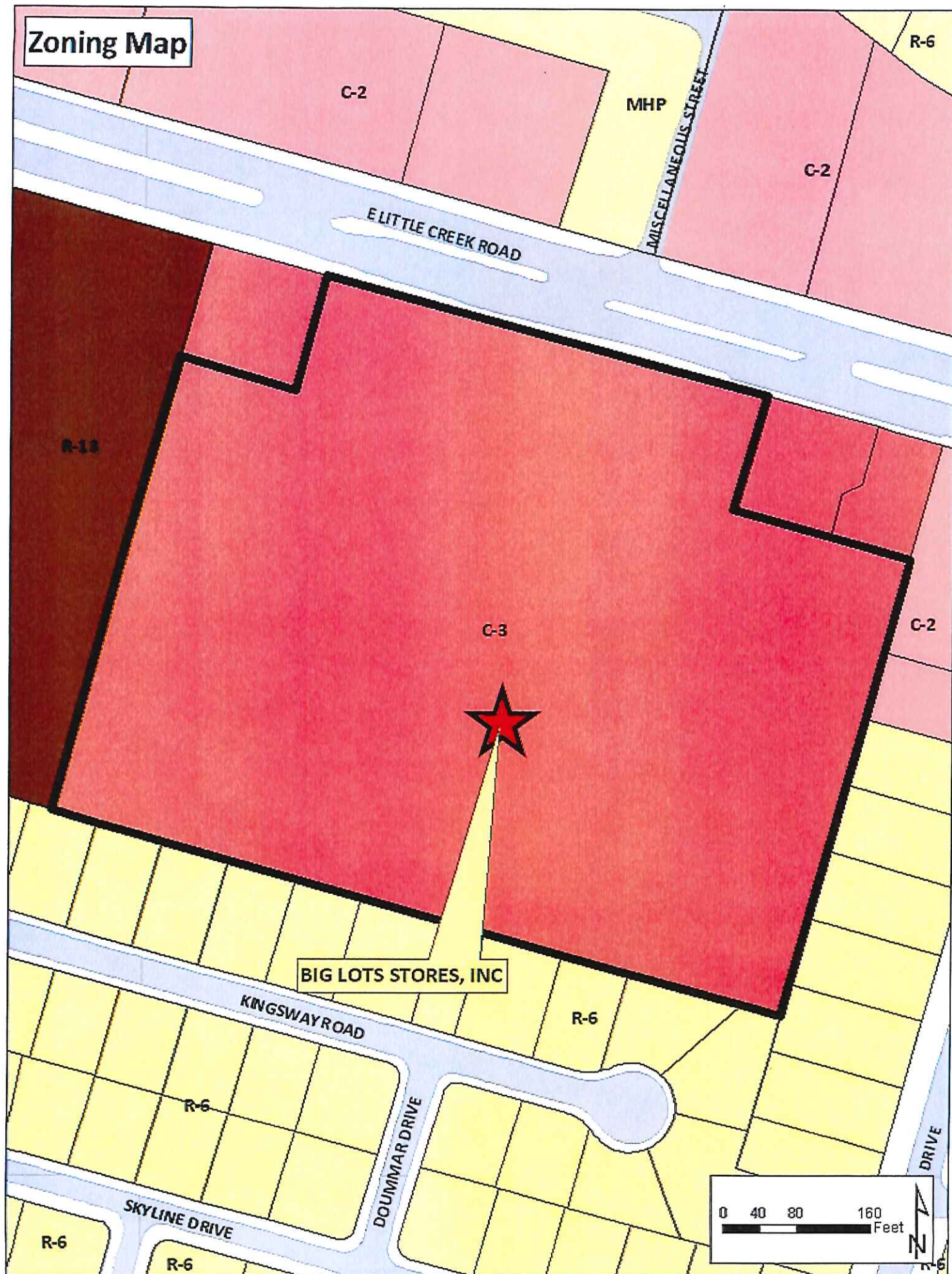


BIG LOTS STORES, INC



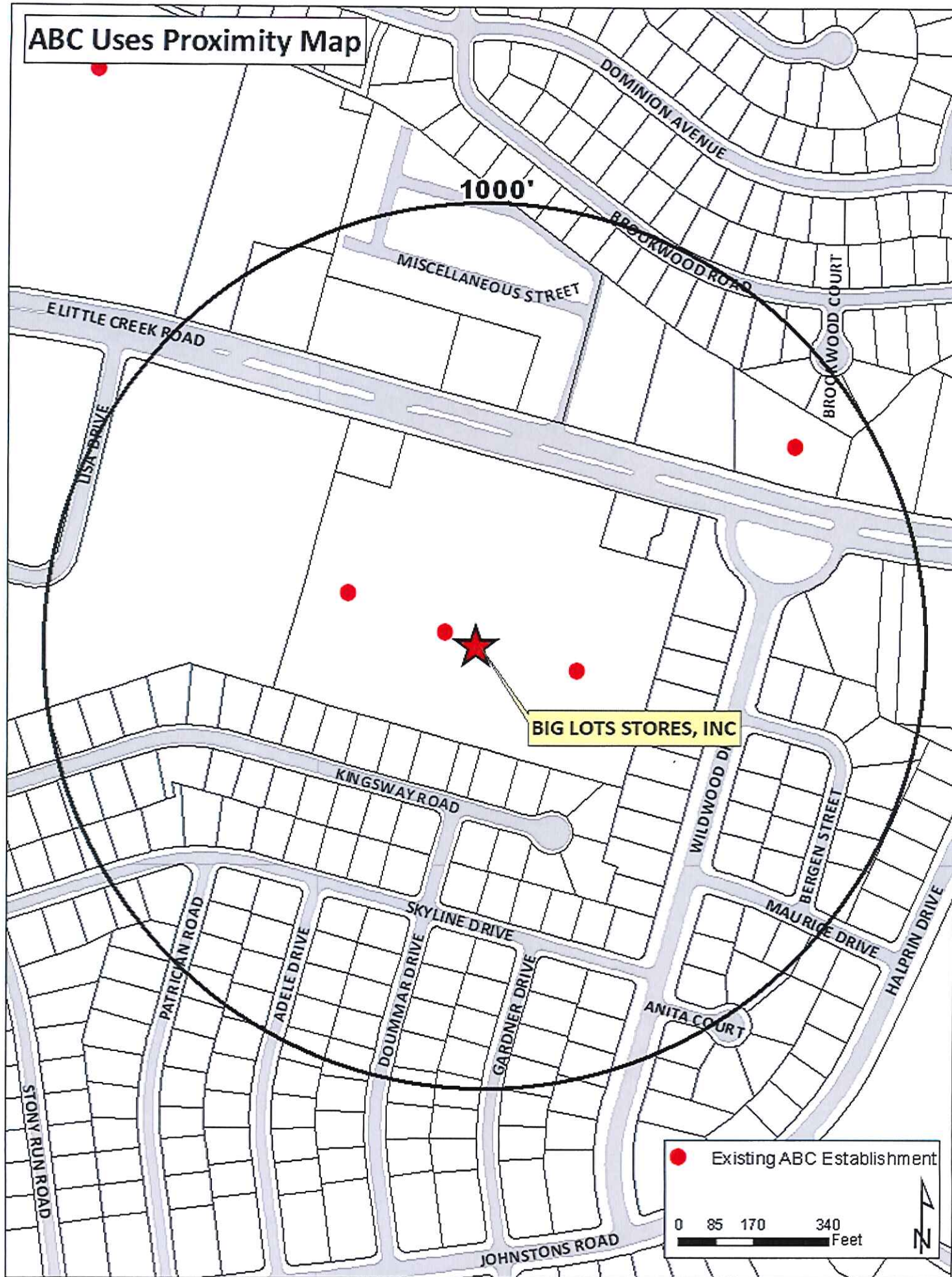


# Zoning Map





# ABC Uses Proximity Map





**APPLICATION  
ADULT USE SPECIAL EXCEPTION  
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION**

Date of Application: 10/29/2013

**DESCRIPTION OF PROPERTY**

Property location: (Street Number) 1819 1054 (Street Name) East Little Creek Road, Ste 1851

Existing Use of Property Retail - General Merchandise Department Store

Current Building Square Footage 27,500

Proposed Use Sale of Alcoholic Beverages for Off-Premises Consumption

Proposed Building Square Footage N/A

Trade Name of Business (If applicable) Big Lots #397

**APPLICANT/ PROPERTY OWNER**

1. Name of applicant: (Last) Big Lots Stores, Inc. (First) (MI)

Mailing address of applicant (Street/P.O. Box): attn: B. Slayman, 300 Phillipi Road

(City) Columbus (State) Ohio (Zip Code) 43228

Daytime telephone number of applicant (614) 278-7140 Fax number (614) 278-6666

E-mail address of applicant: bslayman@biglots.com

2. Name of property owner: (Last) Statecourt Enterprises, Inc. (First) (MI)

Mailing address of property owner (Street/P.O. box): c/o The Rosen Group, Inc. 7860 Glades Road, Suite 220

(City) Boca Raton (State) Florida (Zip Code) 33434-4103

Daytime telephone number of owner (561) 487-7887 Fax number (561) 487-7884

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)



**CIVIC LEAGUE INFORMATION**

Civic League contact: LARRYMORE LAWNS CIVIC LEAGUE

Date(s) contacted: 10-11-2013

Ward/Super Ward information: CARL MANSFIELD (PH) 757-407-3435

**REQUIRED ATTACHMENTS:**

- ✓ Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
  - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ Two 8½ inch X 14 inch copies of a survey or site plan (required for new construction or site improvements) drawn to scale showing:
  - All existing and proposed structures,
  - Driveways,
  - Parking,
  - Landscaping,
  - Property lines (see attached example).
- ✓ Two 8½ inch X 14 inch copies of a floor plan drawn to scale showing where cold and/or room temperature alcoholic beverages will be sold. (see attached example).
- ✓ Completed Exhibit A, Description of Operations (attached).
- ✓ Please provide a brief description of the business (i.e., # of employees, current locations, type of restaurant, etc...).

**CERTIFICATION:**

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge: *PROPERTY OWNER SIGNS THIS APPLICATION FOR THE SOLE PURPOSE OF CONSENTING TO SAME BY BIG LOTS STORES, INC.*

Print name: STATECOURT ENTERPRISES INC. Sign: [Signature] / 1 OCT. 125, 2013  
(Property Owner or Authorized Agent Signature) (Date)  
*JONATHAN P. ROSEN, PRES.*

Print name: BIG LOTS STORES, INC. Sign: [Signature] / Oct. / 30, 2013  
(Applicant or Authorized Agent Signature) (Date)  
*Chadwick P. Reynolds*  
*VP, Dep. GC + Asst. Corp. Secretary*





November 27, 2013

Carl Mansfield  
President, Larrymore Lawns Civic League  
6956 Doummar Court  
Norfolk, VA 23518

Dear Mr. Mansfield:

The Planning Department has received an application for a Special Exception for the operation of an Establishment for the Sale of Alcoholic Beverages for Off-Premise Consumption on property located at 1819 East Little Creek Road, Suite 1851. The request is tentatively scheduled for the December 19, 2013 City Planning Commission public hearing.

**Summary**

This request would allow Big Lots to sell beer and wine for off-premise consumption. The sale of single servings of beer would not be allowed.

	Proposed
Hours of Operation and Hours for the Sale of Alcoholic Beverages for Off-Premise Consumption	6:00 a.m. to 12:00 a.m. Seven days a week

If you would like additional information on the request, you may contact the applicant, Rebecca Slayman, at (614) 278-7140 or you may telephone Ashton Jones at (757) 664-7470. A copy of the complete application is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Homewood".

George M. Homewood, AICP, CFM  
Acting Planning Director

cc: Jim Herbst, Neighborhood Development Specialist  
[James.Herbst@norfolk.gov](mailto:James.Herbst@norfolk.gov) or (757) 823-4210